

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF 25 JULY 2016

16C-0293 – CALL TO ORDER

Mayor Renner called the regular meeting to order at 6:30 p.m. in the Board Chambers at 101 Green Street on 25 July 2016.

16C-0294 – ROLL CALL

Upon roll call the following members were present: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier and Renner

16C-0295 – ESTABLISHMENT OF QUORUM

Mayor Renner announced a quorum of Board members present to conduct City business.

16C-0296– PLEDGE OF ALLEGIANCE

The Pledge was recited.

16C-0297 - REPORTS OF STANDING COMMITTEE

Turner Hall Committee – The meeting for August has been cancelled. The next meeting will be held in September.

Destination Marketing Organization Committee – Lincoln reported a meeting was held last Tuesday. The joint committee met to talk about action from the County Board the previous week. There were about 20 people there to speak in favor of moving forward. It was decided to move forward and to keep going along with the new DMO process.

16C-0298 – PUBLIC COMMENTS

Robert Mahan, 900 Third Street – Mahan noted the Council would be considering a contract for the Destination Marketing Organization Services Agreement. He was present for any questions.

Brad Petersburg, 5060 S. Blanding Road, Hanover – Petersburg stated he wanted to clarify a couple of things that were in the paper. The first was the headline stating the County Board was asking for a new election. Petersburg advised, technically, no action was taken by the County Board asking for a new election. The matter of the election was referred to the special committees and was discussed. The special committee voted 5-1 to continue forward, keep focused on the ultimate goal and put the past behind us.

Elsewhere Petersburg was also quoted as implying that if the City doesn't agree to a new election it is all over. Petersburg felt he may have miss-spoke. What he meant was the possibility of a new election would be over if the City didn't agree. The County Board voted 8-6 to move forward. The County Executive Committee is in the process of reviewing the contract. He thanked the City for their patience. The process takes a while. He hopes we continue to stay focused on the benefits of one united DMO.

Pat McCarthy, 9521 W. Buckhill Road – McCarthy advised he was available for any questions on his proposal.

James Wirth 121 S. High Street – Wirth spoke with regard to item 16C-0313. He would like the Council to provide more particulars of what this item entails. He feels it would appear to contradict the Historic Preservation Ordinance.

PUBLIC HEARING

Motion: Lincoln moved, seconded by Hahn, to open the Public Hearing on an Annexation Agreement between Patrick and Kristine McCarthy and the City of Galena, for the property commonly known as the Palace Campground.

Discussion: None.

Roll Call: AYES: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner
NAYS: None

The motion carried.

16C-0299 – PUBLIC HEARING ON AN ANNEXATION AGREEMENT BETWEEN PATRICK AND KRISTINE MCCARTHY AND THE CITY OF GALENA, FOR THE PROPERTY COMMONLY KNOWN AS THE PALACE CAMPGROUND

City Attorney Nack swore in those wishing to testify.

Testimony: Pat McCarthy updated the council on the discussions with regard to the erosion of the property in the ditch between the campground property and Cobblestone. Pictures were provided to the City Council. An engineer has done calculations to show the amount of water that is going down that ditch that shouldn't be going down that ditch. This is an attempt to rectify the problem. McCarthy stated he realizes most of their benefits come from the City, i.e., police, fire. They have always felt tied to the City and they would like the City to accept the proposal and allow them to annex into the City Limits.

Motion: Lincoln moved, seconded by Hahn, to close the Public Hearing on an Annexation Agreement between Patrick and Kristine McCarthy and the City of Galena, for the property commonly known as the Palace Campground.

Discussion: None.

Roll Call: AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner
NAYS: None

The motion carried.

LIQUOR COMMISSION

Motion: Kieffer moved, seconded by Lincoln, adjourn as the City Council and reconvene as the Liquor Commission.

Discussion: None.

Roll Call: AYES: Kieffer, Lincoln, Westemeier, Bernstein, Fach, Hahn, Renner
NAYS: None

The motion carried.

16C-0300 – DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR A CLASS D CORPORATION MANAGER LIQUOR LICENSE FOR SOPHIA A. JOHNSON BY CANNOVA'S, 247 N. MAIN STREET

Motion: Hahn moved, seconded by Kieffer, to approve the application for a Class D Corporation Manager Liquor License for Sophia A. Johnson by Cannova's, 247 N. Main Street, 16C-0300.

Discussion: None.

Roll Call: AYES: Lincoln, Westemeier, Bernstein, Fach, Hahn, Kieffer, Renner
NAYS: None

The motion carried.

Motion: Kieffer moved, seconded by Bernstein, to adjourn as the Liquor Commission and reconvene as the City Council.

Discussion: None.

Roll Call: AYES: Westemeier, Bernstein, Fach, Hahn, Kieffer, Lincoln, Renner
NAYS: None

The motion carried.

CONSENT AGENDA CA16-14

16C-0301 – APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 11, 2016

16C-0302 – APPROVAL OF CONTRACT WITH JACKSON CONCRETE FOR THE REPLACEMENT OF THE SIDEWALK AROUND THE SOLDIER’S MONUMENT IN GRANT PARK

16C-0303 – APPROVAL OF CONTRACT WITH WHITE CONSTRUCTION FOR INTERIOR PAINTING AT TURNER HALL

16C-0304 – APPROVAL OF THE PURCHASE OF A MOBILE SPEED SIGN FROM ALL TRAFFIC SOLUTIONS

Motion: Kieffer moved, seconded by Bernstein, to approve Consent Agenda CA16-14 as presented.

Discussion: None.

Roll Call: AYES: Bernstein, Fach, Hahn, Kieffer, Lincoln, Westemeier, Renner
NAYS: None

The motion carried.

UNFINISHED BUSINESS

16C-0286 – SECOND READING AND POSSIBLE APPROVAL OF AN ORDINANCE REZONING THE GRACE EPISCOPAL CHURCH PROPERTY AT 309 HILL STREET FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT WITH AN UNDERLYING DISTRICT OF LOW DENSITY RESIDENTIAL.

Motion: Hahn moved, seconded by Lincoln, to approve the second reading of an ordinance rezoning the Grace Episcopal Church property at 309 Hill Street from Low Density Residential to Planned Unit Development with an underlying district of Low Density Residential, 16C-0286.

Discussion: None.

Roll Call: AYES: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner
NAYS: None

The motion carried.

NEW BUSINESS

16C-0305– FIRST READING OF AN ORDINANCE RESCINDING ORDINANCES PERTAINING TO THE 2011 ANNEXATION OF THE PALACE CAMPGROUND

Motion: Kieffer moved, seconded by Hahn, to approve the first reading and waive the second reading of an ordinance rescinding ordinances pertaining to the 2011 annexation of the Palace Campground, 16C-0305.

Discussion: None.

Roll Call: AYES: Hahn, Kieffer Lincoln, Westemeier, Bernstein, Fach, Renner
NAYS: None

The motion carried.

16C-0306–FIRST READING OF AN ORDINANCE TO EXECUTE AN ANNEXATION AGREEMENT BETWEEN PATRICK AND KRISTINE MCCARTHY FOR 31.88 ACRES COMMONLY KNOWN AS THE PALACE CAMPGROUND

Motion: Hahn moved, seconded by Lincoln, to approve the first reading of an ordinance to execute an annexation agreement between Patrick and Kristine McCarthy for 31.88 acres commonly known as the Palace Campground, 16C-0306.

Discussion: None.

Roll Call: AYES: Kieffer, Lincoln, Westemeier, Bernstein, Fach, Hahn, Renner
NAYS: None

The motion carried.

16C-0307– FIRST READING OF AN ORDINANCE ANNEXING 31.88 ACRES COMMONLY KNOWN AS THE PALACE CAMPGROUND

Motion: Westemeier moved, seconded by Kieffer, to approve the first reading of an ordinance annexing 31.88 acres commonly known as the Palace Campground, 16C-0307.

Discussion: None.

Roll Call: AYES: Lincoln, Westemeier, Bernstein, Fach, Hahn, Kieffer, Renner
NAYS: None

The motion carried.

16C-0308– RECONSIDERATION OF 16C-0264 “DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY GRACE EPISCOPAL CHURCH TO REZONE TO PLANNED UNIT DEVELOPMENT WITH AN UNDERLYING DEFAULT DISTRICT OF LOW DENSITY RESIDENTIAL”

Motion: Bernstein moved, seconded by Fach, to reconsider item 16C-0264, Discussion and Possible Action on a request by Grace Episcopal Church to rezone to Planned Unit Development with an underlying default district of Low Density Residential with new information being that the

City neglected to incorporate into the previous motion the fact that the Zoning Board stated that the requirements would need to be completed prior to a building permit being issued.

Discussion: None.

Roll Call: AYES: Westemeier, Bernstein, Fach, Kieffer, Lincoln
NAYS: Hahn

The motion carried.

Motion: Bernstein moved, seconded by Fach, to approve the request by Grace Episcopal Church to rezone to Planned Unit Development with an underlying default district of Low Density Residential, with the necessary building permits to be issued upon completion of the following requirements:

1. An appropriate geotechnical study of the site including a slope survey to be provided to the city;
2. A Geo technical engineer be on site on an as-needed basis during all construction work;
3. A periodic certified elevation survey be performed;
4. Adequate insurance for the project be provided;
5. Geotechnical report be available to Mr. Eric Lieberman and to the public within 72 hours of receipt by the City. Notice to be posted at City Hall.

Lincoln noted when any other project of this size or nature comes before the Council, the Council gets a memorandum from Matt in which he states what has to be done. It is a given that these things must happen prior to a permit being issued. Lincoln questioned if there was some sort of a list that could be created that the applicant would have to sign off on that these are the requirements before any permits can be issued.

Roll Call: AYES: Bernstein Fach, Hahn, Kieffer, Lincoln, Westemeier
NAYS: None

The motion carried.

16C-0309– DISCUSSION AND POSSIBLE ACTION ON INTERIM REPORT TO THE CITY COUNCIL FROM THE DEER COMMITTEE

Motion: Fach moved, seconded by Bernstein, to postpone item 16C-309 indefinitely.

16C-0310– DISCUSSION AND POSSIBLE ACTION ON DESTINATION MARKETING SERVICES AGREEMENT AND GREATER GALENA MARKETING, INC., DBA GALENA/JODAVIESS OFFICE OF TOURISM

Motion: Lincoln moved, seconded by Westemeier, to approve the Destination Marketing Services Agreement and Greater Galena Marketing, Inc., DBA Galena/JoDaviess Office of Tourism.

Discussion: Lincoln noted there are a few places where dates need to be changed or entered. Those changes will come back to the City Council once those dates are set.

Roll Call: AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein Fach, Renner
NAYS: None

The motion carried.

16C-0311– PRESENTATION BY THE ZONING ADMINISTRATOR AND BUILDING OFFICIAL ON FINDINGS REGARDING SHORT TERM VACATION RENTALS/GUEST ACCOMODATIONS

Matt Oldenburg, Zoning Administrator and Jonathan Miller, Building Official, gave a presentation on findings regarding short term vacation rentals/guest accommodations.

Oldenburg advised each application would have to be looked at on a case by case basis. He would look at allowing it in low/medium residential districts or neighborhood commercial. It would generally be a residence or an apartment downtown. The approval would be by special use that would run with the land. Control measures would be in place as is for the existing. If it becomes a nuisance or the City received any complaints, the license could be revoked.

Westemeier voiced concern with college fraternities renting them out for frat parties. He questioned how that would be controlled. Oldenburg felt most owners wouldn't be inclined to rent to groups like that as they wouldn't want their place trashed. He noted if this does get allowed we would need to have detailed regulations to make sure we minimize the impact for nuisances.

Oldenburg stated if the process were initiated. He would initiate a text amendment proposal for regulations. He would gather input from the community. A public hearing would be held at the Zoning Board. The Zoning Board would receive public input at that time. They could then approve or deny and forward it on to the City Council. Oldenburg noted if the City doesn't wish to pursue this, he would simply continue to do enforcement and keep things the way they are.

Mayor Renner asked that the information presented be distributed to Council to give them time to review the information. He would also like to see it hit the paper and get information back from the citizens before making a decision.

16C-0312– DISCUSSION AND POSSIBLE ACTION ON INITIATING A ZONING TEXT AMENDMENT TO ALLOW SHORT TERM VACATION RENTAL UNITS IN THE CITY OF GALENA

Motion: Hahn moved, seconded by Westemeier, to table item 16C-0312.

16C-0313– DISCUSSION AND POSSIBLE ACTION ON ZONING CAL. NO. 16A-02, AN APPLICATION BY THE CITY OF GALENA FOR TEXT AMENDMENT TO 154.202, RESIDENTIAL PRINCIPAL AND MAJOR ACCESSORY STRUCTURES BULK STANDARDS, TO ALLOW FRONT FACING GARAGES IN FRONT OF THE PRINCIPAL FAÇADE OF THE DWELLING

Motion: Hahn moved, seconded by Bernstein, to approve Zoning Cal. No. 16A-02, an application by the City of Galena for text amendment to 154.202, Residential Principal and Major Accessory Structures Bulk Standards, to allow front facing garages in front of the principal façade of the dwelling, 16C-0313.

Discussion: Oldenburg advised a Public Hearing was held at the Zoning Board. When the 2005 Zoning Ordinance was passed, there was a footnote that front facing garages need to be 8 feet behind the front of the dwelling. This created issues for infill development and houses being built in existing neighborhoods. Nate Kieffer held one meeting to change this. The general consensus at that time was that in some cases it might be ok. It has recently come up again. Staff feels it is time to do the amendment to allow some flexibility in cases where it might be appropriate. This amendment keeps the requirement but gives administrative oversight if a situation is appropriate. It still protects the intent of the Comprehensive Plan.

Roll Call: AYES: Lincoln, Westemeier, Bernstein Fach, Hahn, Kieffer, Renner
NAYS: None

The motion carried.

16C-0314– DISCUSSION AND POSSIBLE ACTION ON A COUNTY ZONING APPLICATION BY JANET EINSWEILER, 1170 FERRY LANDING ROAD, FOR APPROVAL OF PLAT OF SUBDIVISION FOR LOT 1 OF “LEON AND JANET EINSWEILER’S SECOND ADDITION TO RAWLINS TOWNSHIP”, TO CREATE A SEPARATE PARCEL FOR AN EXISTING HOUSE

Motion: Hahn moved, seconded by Kieffer, to approve the county zoning application by Janet Einsweiler, 1170 Ferry Landing Road, for approval of Plat of Subdivision for Lot 1 of “Leon and Janet Einsweiler’s Second Addition to Rawlins Township, to create a separate parcel for an existing house.

Discussion: None.

Roll Call: AYES: Westemeier, Bernstein Fach, Hahn, Kieffer, Lincoln, Renner
NAYS: None

The motion carried.

16C-0315– FIRST READING OF AN ORDINANCE AMENDING CHAPTER 97.14 OF THE GALENA CODE OF ORDINANCES PERTAINING TO DOWNTOWN SIDEWALK CONSTRUCTION STANDARDS

Motion: Bernstein moved, seconded by Fach, to approve the first reading of an ordinance amending Chapter 97.14 of the Galena Code of Ordinances pertaining to downtown sidewalk construction standards.

Discussion: Fach noted a few years ago it was exposed aggregate and now we are swinging the other way.

Roll Call: AYES: Bernstein Fach, Hahn, Kieffer, Lincoln, Westemeier, Renner
NAYS: None

The motion carried.

16C-0316 – WARRANTS

Motion: Kieffer moved, seconded by Bernstein, to approve the Warrants as presented, 16C-0316.

Discussion: Fach questioned if written verification is received on all credit card purchases. Moran advised a receipt is provided for each purchase and there is only a small group of purchasers.

Roll Call: AYES: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner
NAYS: None

The motion carried.

16C-0317 – ALDERPERSONS’ COMMENTS

Dead Tree – Fach reported a dead tree on Highway 20 north of the stop lights. The tree is adjacent to where Prospect Street meets the highway. It overhangs the sidewalk. It has been dead all winter and looks like it is a hazard.

Franklin Street – Kieffer voiced concerns with cars parking along Franklin Street between Hill and Barry Streets. When cars are parked along there it doesn’t leave much room.

Thank you - Lincoln extended a special thanks to the Police, Fire Department and all emergency personnel over the past few weeks when it has been so hot. They are out in the heat more than they should have to be.

Grape Escape Anniversary Celebration – Lincoln stated he has heard mixed feelings about the anniversary celebration. He had the opportunity to attend and hopes it is something that could be continued with maybe not as many or not as loud of bands. It was a nice event.

Dead Tree – Westemeier advised there is a dead tree that is blocking the river at Hughlett's Branch. There is concern if we have major flooding this could have an effect on it.

Vacation Rental – Bernstein thanked Matt and Jonathan for being proactive on the rental issue. She thinks it is a good thing to step up to the plate before it becomes a real problem.

16C-0318 – CITY ADMINISTRATOR'S REPORT

Electronics – In an effort to minimize the number of TV's being dropped off at the recycling drop off, staff has put together a program for once a month TV drop off at City Hall. The events will be held the last Friday of each month for a cost of \$15 for each item.

Bid Documents – Bid documents are now on line so contractors can access them while the bids are live. They can be found under the Engineering Department.

RSS Feed – Moran stated he had a suggestion from a resident about RSS Feed. Subscribers would receive notifications of changes made to the website. This feature has been created on news items.

Vacation Rentals – Moran echoed the comments made by Bernstein. This is very sensitive among the Bed and Breakfast Community and it is essential to talk about.

16C-0319 – MAYOR'S REPORT

Mayor Renner thanked staff for taking the time to attend the meeting.

16C-0320 - ADJOURNMENT

Motion: Lincoln moved, seconded by Hahn, to adjourn.

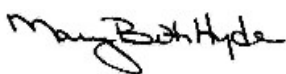
Discussion: None.

Roll Call: AYES: Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Fach, Renner
NAYS: None

The motion carried.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,



Mary Beth Hyde, MMC
City Clerk